

LAW OFFICES  
FREILICH, HORNBAKER & ROSEN  
9045 Corbin Avenue, Suite 260  
Northridge, CA 91324-3343  
TEL (818) 678-6408 • FAX (818) 678-6411  
E-MAIL artfreilich@aol.com

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JUL 13 2006

FAX TRANSMITTAL SHEET

TO: Office of Petitions

FAX: 571-273-8300

From: Arthur Freilich

In Re Application of: Alfred E. Mann :  
Application: 10/702,565 :  
Filed: 11/05/2003 :  
For: IMPLANTED OUTER EAR CANAL :  
HEARING AID :

TOTAL PAGES TO FOLLOW: 3  
DATE TRANSMITTED: 13 July 2006

MESSAGE

[MANN182]

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DOCKET: 203/526 US MB 103; AB-375P  
APPLICATION: 10/702565IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn Re Application of:  
Alfred E. Mann

Applic.: 10/702,565

Filed: 11/05/2003

For: IMPLANTED OUTER EAR CANAL:  
HEARING AIDRenewed Petition To Accept An  
Unintentionally Delayed Claim For  
The Benefit Of A Prior-Filed Application

via Fax: (571) 273-8300

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JUL 13 2006Commissioner for Patents  
Alexandria, VA 22313-1450

Applicants' filed a Petition on May 2, 2006 seeking the acceptance of an unintentionally delayed claim for the benefit of priority of prior-filed applications. In a Decision mailed on July 06, 2006, Applicants' Petition was dismissed because "the amendment, as worded, is improper". More specifically, the amendment was held to be improper because "it cannot directly claim benefit" to provisional applications filed more than 12 months prior to the filing date of the present application. The Decision observed, however, that a claim for benefit of priority of provisional Applications 60/327,099 and 60/327,071 "may be claimed through intermediate Application No. 10/264,937".

In order to rectify the deficiency of the previously filed amendment, Applicants' undersigned attorney spoke with Petitions Examiner Hicks on July 12, 2006. As a consequence, a further amendment to the specification is submitted herewith which avoids the deficiency cited in the Decision.

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DOCKET: 203/526 US MB-103; AB-375P  
APPLICATION: 10/702565

1 Favorable reconsideration is courteously requested.  
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4 Respectfully submitted,  
5 

6 ARTHUR FREILICH  
7 Reg. No. 19, 281  
8 Attorney for Applicant(s)

9 FREILICH, HORNBAKER & ROSEN  
10 9045 Corbin Avenue Suite 260  
11 Northridge, CA 91324-3343  
12 TEL. 818-678-6408 • FAX 818-678-6411  
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24 **DEPOSIT ACCOUNT AUTHORIZATION:**

25 Throughout the prosecution of this application the Patent and Trademark  
26 Office is authorized to charge any additional fees which may be required,  
27 or credit any overpayment to Account No. 501232

28 

ARTHUR FREILICH, Reg. No. 19,281

**CERTIFICATION OF FACSIMILE:**

I hereby certify that this correspondence is being transmitted via facsimile to  
(571) 273-8300 addressed to: Office Of PETITIONS on 13 July 2006.



ARTHUR FREILICH